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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,957	11/30/2005	Youichi Zenda	20435/0202684-US0	7457
7278 7590 08/20/2008 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER				
AMIRI, NAHID				
ART UNIT		PAPER NUMBER		
3679				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/529,957

**Applicant(s)**

ZENDA ET AL.

**Examiner**

NAHID AMIRI

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In view of Applicant's Amendment received 28 May 2008, amendments to the claims have been entered. Claims 1-4 are canceled. Claims 5-19 are pending.

Claims 10-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 November 2007.

Upon review of the instant claims in response to applicant's amendment, it has come to the examiner's attention that the indicated allowability of claims 5-9 should be withdrawn based on new interpretation of Pub. No. US 2006/0204322 A1 Roiser. Rejections involving the newly cited reference follow.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 5, it should be noted that the preamble of claim 5 sets forth only the member joining device subcombination, with the intended use of for connecting a first member to a second member. As initially set forth, the elements of the combination are not positively included in the claims. However, claim 5 positively includes not only the first element and a second element, it now includes two second elements. Accordingly, it is unclear as to whether the combination or subcombination is being claimed. For this Office action, it is presumed that only the subcombination is being claimed. Further, it is unclear as to how the connection of

multiple second elements to the first element (at opposite ends thereof) pertains to the single member joining device set forth by claim 1 that is used to connect a single second element to the first element.

***Claim Rejections - 35 USC § 102***

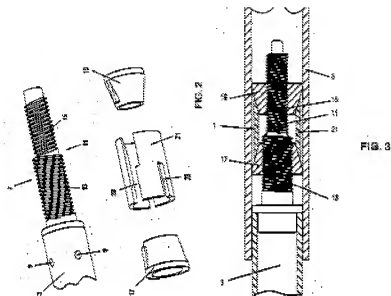
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. US 2006/02024322 A1 Roiser.**

With respect to claim 5, Roiser discloses a member-joining device (Figs. 2-3) to connect a first member (5) to a second member (17), comprising a first bridge member (19); a second bridge member (3); and a drawing means (constituted by threaded parts 13 and 15) for drawing the first bridge member (19) and the second bridge member (3) in the direction where both are close to each other; wherein said first and second members (5, 17) are pressed and connected by a drawing force based on said drawing means (13, 15); wherein the drawing means (13, 15) draws said first bridge member (19) and said second bridge member (3) together by penetrating a screw (13) into a penetrating screw hole formed in the first bridge member (3) or said second bridge member (19) and screwing said screw (13) into a threaded screw hole provided in the other (the first bridge member 19); and wherein the second members (17) adjacent to each end of the first member (5) are connected through the first member (5); each second member (17) opposes each other and has a pair of slightly beveled contact face in the downwardly drawing direction; and an end face of said second member (17) is pressed to the contact face of the first member (5) to join the first and the second members (5, 17).



With respect to claim 6, Roiser discloses second member (17) is a pipe member; said first member (5) comprising a tubular outer member having a cross sectional shape coinciding with said second member (17); and an inner member projecting outward from each end contact face of the outer member; and the projection portion of said inner member is inserted into the end portion of the second member (17) to connect the first member (5) and the second member (17) together.

#### *Allowable Subject Matter*

Claims 7-9 are allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claim 7, lines 2-7, the closest prior art Roiser (Pub. US 2006/02024322 A1) discloses the claimed connecting device with the exception of a line connecting between said first bridge member and said second bridge member is not in right angles to said contact face from a side view; a dividing force is generated by the drawing force to slide a contact face and an end face; an outer peripheral face of said inner member and an inner peripheral face of said second member contact closely with the sliding force; and a position of said first member and said second member is determined.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the connector device as disclosed by Roiser (Pub. US 2006/02024322 A1) to have the above mentioned elemental features.

### *Response to Arguments*

Applicant's arguments with respect to claims 5-9 have been considered but are moot in view of the new ground(s) of rejection based on new interpretation of Pub. No. US 2006/0204322 A1 Roiser.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri  
Examiner  
Art Unit 3679  
August 7, 2008

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679